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United States Department of Justice
Immigration & Naturalization Service
A Guide to Naturalization

Table of Contents

WHO IS ELIGIBLE FOR NATURALIZATION

April, 1999

Naturalization is the way immigrants become citizens. If you are 18 years or older and wish to apply for naturalization, you should use the "Application for Naturalization" (Form N-400).

If you want to apply for naturalization for a child who is under 18 years old, you should use the "Application for a Certificate of Citizenship" (Form N- 600). For more information about applying for citizenship for your children, see questions 24-25 on pages 13-15.

In the next few pages, we describe the naturalization eligibility requirements for people who are 18 years or older and who will use the Form N- 400.

The following table summarizes the naturalization requirements for most types of applicants. After the table is a section that provides more information on each requirement. If you still have questions about your eligibility, you should consult an immigrant assistance organization or INS.

[Note: The following TABLE/FORM is too wide to be displayed on one screen. You must print it for a meaningful review of its contents. The table has been divided into multiple pieces with each piece containing information to help you assemble a printout of the table. The information for each piece includes: (1) a three line message preceding the tabular data showing by line # and character # the position of the upper left-hand corner of the piece and the position of the piece within the entire table; and (2) a numeric scale following the tabular data displaying the character positions.]

***** This is piece 1. -- It begins at character 1 of table line 1. *****

TYPE OF APPLICANT REQUIREMENTS	Time as Permanent Resident	Continuous Residence	Physical Presence in the United States
-----------------------------------	----------------------------------	-------------------------	---

----- If you:	5 years	5 years as a Permanent Resident without leaving	30 months
------------------	---------	--	-----------

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the United
States for
trips of 6
months or
longer

Have been a Permanent
Resident for the
past 5 years and
have no special
circumstances

Note: Over 90% of
applicants fall
into this category.

If you:	3 years	3 years as a Permanent Resident without leaving the United States for trips of 6 months or longer	18 months
---------	---------	---	-----------

Are currently
married to and
living with a U.S.
citizen

AND

Have been married to
and living with
that same U.S.
citizen for the
past 3 years

AND

Your spouse has been
a U.S. citizen for
the past 3 years

If you:

Are in the U.S. Armed Forces (or will be filing your application within 6 months of an honorable discharge)	You must be a Permanent Resident on the day you file your application.	Not Required	Not Required
---	---	--------------	--------------

AND

Have served for at

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least 3 years

If you:

Were in the U.S. Armed Forces for less than 3 years	5 years	5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer	30 months
---	---------	---	-----------

OR

If you:

Were in the U.S.
Armed Forces for 3
years or more, but
you were discharged
more than 6 months
ago

Note: If you were
out of the
country as part
of your
service, this
time out of the
country does
not break your
"continuous
residence." It
is treated just
like time spent
in the United
States.

Note: Time in
the U.S.
Armed
Forces
counts as
time
"physically
present" in
the United
States no
matter
where you
were.

If you:

Performed active duty military service in the U.S. Armed Forces during: . World War I (November 11, 1916-April 6, 1917); . World War II (September 1, 1939-December 31, 1946); . Korea (June 25, 1950-July 1, 1955);	You are not required to be a Permanent Resident.	Not Required	Not Required
--	--	--------------	--------------

Note: If you
did not
enlist or
reenlist in
the United

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States or
its outlying
possessions,
you must be
a Permanent
Resident on
the day you
file your
application.

- . Vietnam (February 28, 1961-October 15, 1978); or
- . Persian Gulf (August 2, 1990-April 11, 1991)

If you:

Were married to a U.S. citizen who died during a period of honorable active duty service in the U.S. Armed Forces

You must be a Permanent Resident on the day you file your application.

Not Required

Not Required

Note: You must have been married to and living with your U.S. citizen spouse at the time of his/her death.

If you:

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer

30 months

Served on a vessel operated by the United States
OR

Note: If you were out of the country while serving on a vessel, this

Note: Time served on the vessel counts as time

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time out of the country does not break your "continuous residence." It is treated just like time spent in the United States.

"physically present" in the United States no matter where you were.

If you:

Served on a vessel registered in the United States Note: In this case, the vessel must be owned by U.S. citizens or a U.S. corporation.

If you:

5 years

5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer

30 months

Are an employee or an individual under contract to the U.S. Government

Note: An absence from the United States for 1 year or more will break your "continuous residence." You may keep your "continuous residence" if you have had at least 1 year of unbroken "continuous residence" since becoming a Permanent Resident and you get an approved N-470

Note: Time spent in this type of employment counts as time "physically present" in the United States no matter where you are as long as you get an approved N-470 before you have been out of the

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		before you have been out of the United States for 1 year.	United States for 1 year.
If you:	5 years	5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer	30 months
Are a person who performs ministerial or priestly functions for a religious denomination or an interdenominational organization with a valid presence in the United States		Note: An absence from the United States for 1 year or more will break your "continuous residence." You may keep your "continuous residence" if you have had at least 1 year of unbroken "continuous residence" since becoming a Permanent Resident and you get an approved N-470 at any time before applying for naturalization.	Note: Time spent in this type of employment counts as time "physically present" in the United States no matter where you are as long as you get an approved N-470 before you apply for naturalization.
If you:	5 years	5 years as a Permanent Resident without leaving the United States for trips of 6 months or longer	30 months
Are employed by one			

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of the following:

. An American institution of research recognized by the Attorney General;

Note: An absence from the United States for 1 year or more will break your "continuous residence." You may keep your "continuous residence" if you have had at least 1 year of unbroken "continuous residence" since becoming a Permanent Resident and you get an approved N-470 before you have been out of the United States for 1 year.

. An American-owned firm or corporation engaged in the development of foreign trade and commerce for the United States; or
 . A public international organization of which the United States is a member by law or treaty (if the employment began after you became a Permanent Resident)

If you:	5 years	5 years as a Permanent Resident without leaving the United States for	Not Required
---------	---------	---	--------------

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trips of 6
months or
longer

Have been employed
for 5 years or more
by a U.S. nonprofit
organization that
principally
promotes the
interests of the
United States
abroad through the
communications
media

If you:

You must be a
Permanent
Resident at
the time of
your INS
interview

Not Required

Not Required

Are the spouse of a
U.S. citizen who is
one of the
following:

- . A member of the
U.S. Armed Forces;
- . An employee or an
individual under
contract to the
U.S. Government;
- . An employee of an
American
institution of
research recognized
by the Attorney
General;
- . An employee of an
American-owned firm
or corporation
engaged in the
development of
foreign trade and
commerce for the
United States;
- . An employee of a
public
international
organization of

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which the United
States is a member
by law or treaty;
or
. A person who
performs
ministerial or
priestly functions
for a religious
denomination or an
interdenominational
organization with a
valid presence in
the United States

AND

Your citizen spouse
is working overseas
for at least 1 year
according to an
employment contract
or order.

Where to go for more Page 22 Page 22-23 Pages 23-24
information

1...+...10...+...20...+...30...+...40...+...50...+...60...+...70...
***** This is piece 2. -- It begins at character 74 of table line 1. *****

Time in District or State	Good Moral Character	English & Civics Knowledge	Attachment to the Constitution
---------------------------------	-------------------------	----------------------------------	--------------------------------------

3 months Required Required Required

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3 months	Required	Required	Required
----------	----------	----------	----------

Not Required	Required	Required	Required
-----------------	----------	----------	----------

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Not Required	Required	Required	Required
-----------------	----------	----------	----------

3 months	Required	Required	Required
----------	----------	----------	----------

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3 months	Required	Required	Required
----------	----------	----------	----------

3 months	Required	Required	Required
----------	----------	----------	----------

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3 months	Required	Required	Required
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3 months	Required	Required	Required
----------	----------	----------	----------

Not Required	Required	Required	Required
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74...80....+...90....+....0....+...10....+...20....+

Time as a Permanent Resident

Permanent Residents are people who have "permanent resident" status in the United States as provided for under our immigration laws. Permanent Residents are normally given Permanent Resident Cards. (Note: these cards used to be called Alien Registration Cards.)

Most applicants must be a Permanent Resident for a certain number of years before they may apply for naturalization. But it is not enough to be a Permanent Resident for the right number of years. You must also be in "continuous residence" during that time.

Continuous Residence

"Continuous residence" means that you have not left the United States for a long period of time. If you leave the United States for too long, you may interrupt your "continuous residence."

Absences between 6 and 12 months. If you leave the United States for more than 6 months, but less than 1 year, the law states that you have disrupted your "continuous residence" unless you can prove otherwise. To prove that you have not disrupted your "continuous residence," you will need to provide an original IRS Form 1722 listing tax information for the past 3 years or copies of the income tax forms you filed for the past 3 years. You may also be asked to provide some of the following:

- . proof that your family resided in the United States during your absence;
- . copies of tax records;
- . copies of rent or mortgage payments; or
- . copies of paystubs.

Absences of 1 year or longer. In almost all cases, if you leave the United States for 1 year or more, you have disrupted your "continuous residence." This is true even if you have a Re-entry Permit.

If you leave the country for 1 year or longer, you may be eligible to re-enter as a Permanent Resident if you have a Re-entry Permit. But none of the time you were in the United States before you left the country counts toward your time in "continuous residence."

You may file your Application for Naturalization (Form N-400) up to 3 months before you meet your "continuous residence" requirements. For example, if you are applying based on 5 years of "continuous residence" as a Permanent Resident, you can apply when you have been a Permanent Resident in "continuous residence" for 4 years and 9 months. INS allows you to send your application before you have met the requirement for "continuous residence" only. You must meet all the other eligibility requirements when you file your application with INS.

Fortunately, if you return within 2 years, some of your time out of the

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country does count. In fact, the last 364 days of your time out of the country (1 year minus 1 day) counts toward meeting your "continuous residence" requirement.

There are a few small groups of applicants who do not have any "continuous residence" requirement (for example, members of the U.S. Armed Forces).

There are also a few small groups of people who can leave the country for over 1 year and not disrupt their "continuous residence." To maintain their "continuous residence" while out of the country, these people must file an "Application to Preserve Residence for Naturalization Purposes" (Form N- 470). See the table at the beginning of this section for more information on who can use an N-470 and when they must file it.

Physical Presence in the United States

"Physical presence" means that you have actually been in the United States. Most applicants must be physically present in the United States for a certain number of months to be eligible for naturalization.

Many people do not understand the difference between the "physical presence" requirement and the "continuous residence" requirement. "Physical presence" involves the total number of days you were outside the United States on all of your trips. "Continuous residence" involves the number of days you were outside the United States during a single trip. Even if you never took a trip that was long enough to disrupt your "continuous residence," you may have taken so many short trips that you do not meet the "physical presence" requirement.

"Continuous Residence" Example

- . An applicant became a Permanent Resident on January 1, 1990.
- . She lived in the United States for 3 years, then returned to her native country for 1 year and 3 months.
- . She got a Re-entry Permit before leaving the United States so that she could keep her Permanent Resident status.
- . The applicant re-entered the United States with Permanent Resident status on April 1, 1994.

Question: When is the applicant eligible for naturalization?

Answer: On April 2, 1998, 4 years and 1 day after she returned to the United States. The last 364 days the applicant was out of the United States count toward her time as a Permanent Resident in "continuous residence," but the 3 years in the United States before leaving do not.

When counting the total number of days you have been out of the country, include all trips you have taken outside the United States. This includes short trips and trips to Canada and Mexico. For example, if you go to Canada for a weekend, you must include that trip when you are counting how many days you have spent out of the country. Generally, partial days spent in the United States count as whole days spent in the United States.

There are small groups of applicants who may count time abroad as time in the United States for the "physical presence" requirement. For example, any time spent in the U.S. Armed Forces counts as time in the United States even if you were stationed overseas. See the table at the beginning of this section for more

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information.

Time as a Resident in District or State

Most people must live in the district or state in which they are applying for at least 3 months before applying. A district is a geographical area defined by INS and served by one of the 33 INS "District Offices." You can find out in which district you live by referring to the single page titled "Your Local INS Office," located in the back pocket of this Guide. Students may apply for naturalization either where they go to school or where their family lives (if they are still financially dependent on their parents).

Good Moral Character

To be eligible for naturalization you must be a person of **good moral character**. INS will make a determination on your moral character based upon the laws Congress has passed. In the following section, we describe some of the things INS may consider.

Criminal Record. Committing certain crimes may cause you to be ineligible for naturalization (INS calls these "bars" to naturalization). Aggravated felonies (committed on or after November 29, 1990) and murder are permanent bars. You may never become a citizen if you have committed one of these crimes.

Other crimes are temporary bars. Temporary bars usually prevent you from becoming a citizen for a certain amount of time after you commit the crime.

The "Application for Naturalization" (Form N-400) asks several questions about crimes. You should report all crimes that you have committed including ones that have been expunged (removed from your record) and ones that happened before your 18th birthday. If you do not tell INS about these crimes and we find out about them, you may be denied naturalization (even if the crime itself was not a crime for which your case could be denied).

Lying. If you do not tell the truth during your interview, INS may deny your application for lacking **good moral character**. If INS grants you naturalization and you are later found to have lied during your interview, your citizenship may be revoked.

Please note that if you have committed certain serious crimes, INS may decide to remove you from the United States. If you have questions, you may want to seek advice from an immigrant assistance organization or an immigration attorney before applying.

EXAMPLES of Things that Might Show a Lack of **Good Moral Character**

- . Any crime against a person with intent to harm
- . Any crime against property or the Government that involves "fraud" or evil intent
- . Two or more crimes for which the aggregate sentence was 5 years or more
- . Violating any controlled substance law of the United States, any state, or any foreign country
- . Habitual drunkenness or drunk **driving**
- . Illegal gambling

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- . Prostitution
- . Polygamy (marriage to more than one person at the same time)
- . Lying to gain immigration benefits
- . Failing to pay court-ordered child support or alimony payments
- . Confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past 5 years (or 3 years if you are applying based on your marriage to a United States citizen)
- . Failing to complete any probation, parole, or suspended sentence before you apply for naturalization
- . If you have recently been ordered deported or removed, you are not eligible for citizenship. If you are in removal proceedings, you may not apply for citizenship until the proceedings are complete and you have been allowed to remain in the country as a Permanent Resident.
- . Terrorist acts
- . Persecution of anyone because of race, religion, national origin, political opinion, or social group

English and Civics

According to the law, applicants must demonstrate:

- . "an understanding of the English language, including an ability to read, write, and speak...simple words and phrases...in ordinary usage in the English language...."
- . "a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States...."

This means that to be eligible for naturalization, you must be able to read, write, and speak basic English. You must also have a basic knowledge of U.S. History and Government (also known as "civics").

Exceptions. Certain applicants, because of age or disability, have different English and civics requirements. Age and disability exceptions are discussed below.

Age -- There are three important exemptions for testing based on age:

(a) If you are over 50 and have lived in the United States as a Permanent Resident for periods totaling at least 20 years, you do not have to take the English test. You do have to take the civics test in the language of your choice;

(b) If you are over 55 and have lived in the United States as a Permanent Resident for periods totaling at least 15 years, you do not have to take the English test. You do have to take the civics test in the language of your choice;

(c) If you are over 65 and have lived in the United States as a Permanent Resident for periods totaling at least 20 years, you may also take a simpler version of the civics test in the language of your choice.

You must meet these requirements at the time you file your application. To qualify for one of these exceptions, your time as a Permanent Resident does not have to be continuous. You are eligible for the exemption as long as your total time residing in the United States (as a Permanent Resident) is at least 15 or 20 years. You may not count time when you were not a Permanent Resident.

Disability -- If you have a physical or developmental disability or a mental

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impairment, you may be eligible for an exception to the English and civics requirements. To request an exception, you must file a "Medical Certification for Disability Exceptions" (Form N-648) with your application. If you believe you qualify, contact a licensed medical doctor or licensed clinical psychologist who will need to complete and sign your N-648.

To apply for a disability exception, your disability:

- . must be permanent (has lasted or is expected to last one year); and
- . must not have been caused by illegal drug use.

A medical exception from the English and civics requirement does not exempt you from taking the Oath of Allegiance to the United States. If you cannot take and understand the meaning of the oath, you are not eligible for citizenship no matter what type of disability you have.

Preparing for the Test. Many schools and community organizations help people prepare for their citizenship test. Some of these programs are very good. However, INS does not review or approve any of these outside classes or materials.

You can find sample civics questions in the back pocket of this Guide. You can also find a set of sample sentences similar in structure to the ones you might be asked to write or read aloud during your English test.

Attachment to the Constitution

All applicants for naturalization must be willing to support and defend the United States and our Constitution. You declare your "attachment" to the United States and our Constitution when you take the Oath of Allegiance. In fact, it is not until you take the Oath of Allegiance that you actually become a U.S. citizen.

Renounce Foreign Allegiances. As stated in the Oath, you must renounce all foreign allegiances to become a U.S. citizen.

Support the Constitution. You must also be willing to support and defend the principles of the U.S. Constitution and the laws of the United States

The Oath of Allegiance

I hereby declare, on oath,
 that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;
 that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic;
 that I will bear true faith and allegiance to the same;
 that I will bear arms on behalf of the United States when required by the law;
 that I will perform noncombatant service in the Armed Forces of the United States when required by the law;
 that I will perform work of national importance under civilian direction when required by the law; and
 that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Serve the United States. When required by law, you must be willing to (1)

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fight in the U.S. Armed Forces, (2) perform non-combatant service in the U.S. Armed Forces, and (3) perform civilian service for the United States.

If, because of your religious teachings and beliefs, you are against fighting or serving in the military, INS may exempt you from these requirements. You will need to send a letter with your application requesting a modified oath and explaining why you are unable to take the Oath as it is written above. Please see page 39 for more information about this process.

In addition to your promise to serve the United States when required, INS also considers the following three things when determining if you are truly willing to serve the United States:

Selective Service -- Male applicants generally need to register with the Selective Service before applying for naturalization. If you are male and lived in the United States (in any status other than as a lawful nonimmigrant) at any time between your 18th and 26th birthdays, you must be registered with the Selective Service System. Males who first entered the United States after they turned 26 years old are exempt from the requirement to register.

If you were required to register, you will need to provide your Selective Service number to INS when you apply. You may get your Selective Service number by calling 1-847-688-6888 if you were born after December 31, 1959. If you were born before March 29, 1957, you should call 1-703-605-4047.

If you have not registered, you must register at a United States post office or on the Internet to receive a Selective Service number. The Selective Service System Internet site can be reached at <http://www.sss.gov> or through the INS Internet site at <http://www.ins.usdoj.gov>. You must have a Social Security number to register on the Internet.

If you were required to register but did not register before you turned 26, you must do the following:

- . Call 1-847-688-6888 and complete the Selective Service System's Questionnaire Form (males born before March 29, 1957, should call 1-703-605-4047);

- . Receive a "status information letter" from the Selective Service; and

- . Send the "status information letter" to INS with your application.

Alien Discharge from the U.S. Armed Forces -- If you ever received an exemption or discharge from the U.S. Armed Forces because you are an alien, you may be ineligible for naturalization.

Desertion from the U.S. Armed Forces -- If you were ever convicted of desertion from the U.S. Armed Forces, you are ineligible for naturalization. Desertion means that you left military service before you were discharged.

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STATS & RESOURCES

State-By-State Traffic Fatalities - 2001

STATE	2001 Total Traffic Deaths	2001 Alcohol Related Deaths	Percent Alcohol-Related
Alabama	994	376	38
Alaska	85	43	50
Arizona	1,048	488	47
Arkansas	611	193	32
California	3,956	1,569	40
Colorado	736	328	45
Connecticut	312	158	51
Delaware	136	65	48
D.C.	68	38	55
Florida	3,011	1,264	42
Georgia	1,615	557	35
Hawaii	140	60	43
Idaho	259	97	37
Illinois	1,414	620	44
Indiana	909	337	37
Iowa	447	155	35
Kansas	494	194	39
Kentucky	845	247	29
Louisiana	954	445	47
Maine	192	65	34
Maryland	660	290	44

RELATED INFO

National Highway Traffic Safety Administration (NHTSA)
The federal government's primary source of information on traffic statistics, as well as a variety of other traffic safety information.

Sanction Issues Compendium
This resource focuses on sanctions and public policy initiatives aimed at preventing impaired driving, reducing repeat offenses, and preventing underage drinking.

Massachusetts	477	234	49
Michigan	1,328	518	39
Minnesota	568	226	40
Mississippi	784	282	36
Missouri	1,098	523	48
Montana	230	104	45
Nebraska	246	96	39
Nevada	313	133	42
New Hampshire	142	70	49
New Jersey	747	297	40
New Mexico	463	214	46
New York	1,548	498	32
North Carolina	1,530	533	35
North Dakota	105	53	50
Ohio	1,378	604	44
Oklahoma	676	266	39
Oregon	488	190	39
Pennsylvania	1,530	663	43
Rhode Island	81	49	60
South Carolina	1,059	592	56
South Dakota	171	84	49
Tennessee	1,251	537	43
Texas	3,724	1,789	48
Utah	292	68	23
Vermont	92	35	38
Virginia	935	340	36
Washington	649	281	43
West Virginia	376	135	36
Wisconsin	763	364	48
Wyoming	186	81	44
TOTAL	42,116	17,448	41

*Source - National Highway Traffic Safety Administration FARS data

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